

# House Study Bill 44

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ETHICS AND  
CAMPAIGN DISCLOSURE  
BOARD BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the regulation of ethical conduct by  
2 governmental entities.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1249XD 82  
5 tm/je/5

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1 1 Section 1. Section 68B.3, Code 2007, is amended to read as  
1 2 follows:  
1 3 68B.3 WHEN PUBLIC BIDS REQUIRED == DISCLOSURE OF INCOME  
1 4 FROM OTHER SALES.  
1 5 1. An official, a state employee, a member of the general  
1 6 assembly, or a legislative employee shall not sell, in any one  
1 7 occurrence, any goods or services having a value in excess of  
1 8 two thousand dollars to any state agency unless the sale is  
1 9 made pursuant to an award or contract let after public notice  
1 10 and competitive bidding.  
1 11 ~~2. This subsection shall section does not apply to the~~  
1 12 publication of resolutions, advertisements, or other legal  
1 13 propositions or notices in newspapers designated pursuant to  
1 14 law for the publication of legal propositions or notices and  
1 15 for which rates are fixed pursuant to law. ~~This subsection~~  
~~1 16 shall also not apply to sales of services by persons subject~~  
~~1 17 to the requirements of this section to state executive branch~~  
~~1 18 agencies or subunits of departments or independent agencies as~~  
~~1 19 defined under section 7E.4 that are not the subunit of the~~  
~~1 20 department or independent agency in which the person serves or~~  
~~1 21 is employed or are not a subunit of a department or~~  
~~1 22 independent agency with which the person has substantial and~~  
~~1 23 regular contact as part of the person's duties.~~  
1 24 For purposes of this section, "services" does not include  
~~1 25 instruction at an accredited education institution if the~~  
~~1 26 person providing the instruction meets the minimum education~~  
~~1 27 and licensing requirements established for instructors at the~~  
~~1 28 education institution.~~  
1 29 ~~2.~~ 3. An official or member of the general assembly who  
1 30 sells goods or services to a political subdivision of the  
1 31 state shall disclose whether income has been received from  
1 32 commissions from the sales in the manner provided under  
1 33 section 68B.35.  
1 34 ~~4.~~ 4. For purposes of this section, "services" does not  
1 35 ~~include instruction at an accredited education institution if~~  
~~2 1 the person providing the instruction meets the minimum~~  
~~2 2 education and licensing requirements established for~~  
~~2 3 instructors at the education institution.~~  
2 4 Sec. 2. Section 68B.22, subsection 3, Code 2007, is  
2 5 amended to read as follows:  
2 6 3. A restricted donor may give, and a public official,  
2 7 public employee, or candidate, or the person's immediate  
2 8 family member, may accept an otherwise prohibited nonmonetary  
2 9 gift or a series of otherwise prohibited nonmonetary gifts and  
2 10 not be in violation of this section if the nonmonetary gift or  
2 11 series of nonmonetary gifts is donated within thirty days to a  
2 12 public body, the department of administrative services, or a  
2 13 bona fide educational or charitable organization, if no part  
2 14 of the net earnings of the educational or charitable  
2 15 organization inures to the benefit of any private stockholder  
2 16 or other individual. All such items donated to the department  
2 17 of administrative services shall be disposed of by assignment  
2 18 to state agencies for official use or by public sale. A

2 19 ~~person subject to section 8.7 that receives a gift pursuant to~~  
2 20 ~~this subsection shall file a report pursuant to section 8.7.~~

2 21 Sec. 3. Section 68B.32A, subsection 6, Code 2007, is  
2 22 amended to read as follows:

2 23 6. Assure that the statements and reports which have been  
2 24 filed in accordance with this chapter, chapter 68A, and  
2 25 section 8.7 are available for public inspection and copying  
2 26 during the regular office hours of the office in which they  
2 27 are filed and not later than by the end of the day during  
2 28 which a report or statement was received. Rules adopted  
2 29 relating to public inspection and copying of statements and  
2 30 reports may include a charge for any copying and mailing of  
2 31 the reports and statements, shall provide for the mailing of  
2 32 copies upon the request of any person and upon prior receipt  
2 33 of payment of the costs by the board, and shall prohibit the  
2 34 use of the information copied from reports and statements ~~for~~  
~~2 35 soliciting contributions or for any commercial purpose by any~~  
3 1 ~~person other than statutory political committees.~~

3 2 EXPLANATION

3 3 This bill relates to the regulation of ethical conduct by  
3 4 governmental entities.

3 5 The bill provides that prohibited gifts received from a  
3 6 restricted donor and donated within 30 days to a person that  
3 7 is subject to Code section 8.7 must meet the reporting  
3 8 requirements of Code section 8.7.

3 9 Currently, an official, a state employee, a member of the  
3 10 general assembly, or a legislative employee is prohibited from  
3 11 selling, in any one occurrence, any goods or services having a  
3 12 value in excess of \$2,000 to any state agency unless the sale  
3 13 is made pursuant to an award or contract let after public  
3 14 notice and competitive bidding. The bill eliminates an  
3 15 exception to the prohibition for sales of services by an  
3 16 official, a state employee, a member of the general assembly,  
3 17 or a legislative employee to state executive branch agencies  
3 18 or subunits of departments or independent agencies that are  
3 19 not the subunit of the department or independent agency in  
3 20 which the person serves or is employed or are not a subunit of  
3 21 a department or independent agency with which the person has  
3 22 substantial and regular contact as part of the person's  
3 23 duties.

3 24 Currently, the Iowa ethics and campaign disclosure board is  
3 25 required to adopt rules to prohibit the use of information  
3 26 copied from reports and statement filed with the board from  
3 27 being used for soliciting contributions or for any commercial  
3 28 purpose by any person other than statutory political  
3 29 committees. The bill allows such information to be used for  
3 30 soliciting contributions and prohibits the use for any  
3 31 commercial purpose by any person including statutory political  
3 32 committees.

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